



Town of Merrimack, New Hampshire

Community Development Department

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Planning - Zoning - Economic Development - Conservation

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Memorandum

Date: February 16, 2023

To: Richard Conescu, Chair, & Members, Zoning Board of Adjustment

From: Colleen Olsen, Assistant Planner

Subject: **Brianna Pelletier (petitioner) and Pennichuck Square, LLC (owner)** – Special Exception under Section 2.02.3 (C) 1 of the Zoning Ordinance to permit a dog grooming salon use in the C-2 (General Commercial) District. The parcel is located at 709 Milford Road, Suite 6A in the C-2 (General Commercial) and Aquifer Conservation Districts. Tax Map 2B, Lot 360. Case # ZBA 2023-09.

The following information is provided to aid in your consideration of the above referenced case. Additional background and application materials are included in your packet.

Background & Project Description

Tax Map 2B, Lot 360 is located at 709 Milford Road in the C-2 (General Commercial) and Aquifer Conservation Districts. This lot is home to the Pennichuck Square shopping center. The site is abutted by various commercial uses and vacant land. The site is served by public water and municipal sewer.

This applicant is seeking a Special Exception to permit a dog grooming salon use in the C-2 (General Commercial) District.

Standard of Review

It is the burden of the petitioner to demonstrate that the following special exception criteria of the Zoning Ordinance are met to permit a dog grooming salon use in the C-2 (General Commercial) District:

- a) The specific site is an appropriate location for such a use or uses in terms of overall community development.
- b) The use as developed will not adversely affect the neighborhood.
- c) There will be no nuisance or serious hazard to vehicles or pedestrians.
- d) Adequate and appropriate facilities will be provided for the proper operation of the proposed use or uses.

As a reminder, for a Special Exception to be legally granted the petitioner must demonstrate that **all** of the ordinance criteria for granting the Special Exception have been met.

Should the Board find that the petition meets the special exception criteria; staff recommends that any approval be conditioned upon the following:

- 1) The petitioner shall obtain Administrative Approval from the Community Development Department for the proposed use.

Staff Guidance on Potential Motions

Staff cannot make specific recommendations for action to the Zoning Board of Adjustment due to the Board's status as a quasi-judicial body. However, staff suggests the Board use one of the following templates for a motion to grant or deny the variance, depending whichever course of action the Board deems appropriate:

Potential Motion to GRANT the Special Exception:

"I make a motion that the Board finds the petitioner's responses to the ordinance criteria are sufficient, proved each criterion is met, and the Board adopts the petitioner's responses as the Board's findings of fact, and further, to grant the Special Exception under Section 2.02.3 (C) 1 of the Zoning Ordinance to permit a dog grooming salon use in the C-2 (General Commercial) District, with the condition that the petitioner shall obtain Administrative Approval from the Community Development Department for the proposed use."

Potential Motion to DENY the Special Exception:

"I make a motion to deny the Special Exception under Section 2.02.3 (C) 1 of the Zoning Ordinance to permit a dog grooming salon use in the C-2 (General Commercial) District, for the following reasons:

- *(List the specific reasons why the Board felt the petition failed to meet any of the ordinance criteria, not just the criteria the Board felt were not met)"*

Ec: Brianna Pelletier, Petitioner
Pennichuck Square, LLC, Owner
Building Department Staff
Fire Prevention Staff
Cc: Zoning Board File